

REMARKS

New claims 36-39 have been added. No amendments have been made. Claims 22-23, 25-29, 31 and 33-39 are pending. Reexamination and allowance of the pending claims are respectfully requested.

First, the allowance of claims 22-23 and 25-29 is gratefully acknowledged.

Claims 31 and 33-35 stand rejected under 35 U.S.C 103(a) as being unpatentable over USP 5,105,975 to Patterson ("Patterson") in view of USP 6,132,125 to Lin ("Lin"). This rejection is respectfully traversed.

Independent claims 34 and 35 recite two or more openings in the top wall, stoppers, two tubes extending from the two openings, and a stopper in each of these openings.

In contrast, Applicant respectfully submits that Patterson cannot be modified to yield the claimed invention. Specifically, the rejection is based on two modifications: (i) replacing the straw 44 in Patterson with a bubble wand, and (ii) providing additional openings and bubble wands. However, Patterson is directed to a non-spill cup for use by children. A drinking straw 44 extends through an opening 34 in a top wall 32 of the container. Because of these facts, a person skilled in the art would have no incentive to:

1. replace the straw 44 with a bubble wand and replace the drinking liquid with bubble solution; and
2. provide more than one opening 34 in the top wall 32 to receive a plurality of wands.

In this regard, since Patterson is directed to a non-spill drinking cup, providing additional openings in the top wall would increase the potential for spillage and therefore lead to an undesirable and contrary result.

The Examiner asserts that mere duplication of essential working parts involves only routine skill in the art. While this may be true in general, this statement cannot be applied to the present rejection because of the nature of Patterson's teachings. In column 1, lines 5-9, Patterson states that it is important to prevent spilling of liquid by children in vehicles or in bed. Given this objective, there is absolutely no incentive or reason to "duplicate" working parts (i.e., the opening 34) that would lead to a result that is contrary to the stated objective in Patterson.

Thus, claims 34 and 35, and claims 31, 33 and 36-39 depending therefrom, are submitted to be in condition for allowance.

Claims 31 and 33-35 stand rejected under 35 U.S.C 103(a) as being unpatentable over the Little Kids Original No-Spill Bubble Tumbler ("Little Kids Tumbler"). This rejection is respectfully traversed.

The document illustrating the Little Kids Tumbler that the Examiner relies upon for the rejection is dated 1/19/07 ("the Document"). One page of this Document lists awards for Little Kids' products, including a "No-Spill Bubble Tumbler" dating back to 1993. However, there is nothing which shows or describes the structure, construction or configuration of the "No-Spill Bubble Tumbler" from 1993. The Document only shows a product called "The Original No-Spill Bubble Tumbler" that has a copyright notice of 2004, which is AFTER the priority date of the present application. Therefore, the Document is not prior art. In fact, the date of the copyright notice (2004) implies that the "The Original No-Spill Bubble Tumbler" from 2004 is likely different in construction from the other "Bubble Tumblers" referenced in the Awards page of the Document.

In light of the above reasons, all pending claims are submitted to be in condition for allowance. The Examiner is encouraged to telephone the undersigned if the Examiner has any proposed amendments that may be needed to place this application in condition for allowance.

Respectfully Submitted,



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